

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF CANUTA ) APPEAL NO. 07-A-2668  
BOEREM from the decision of the Board of Equalization ) FINAL DECISION AND  
of Valley County for the tax year 2007. ) ORDER

**VACANT LAND APPEAL**

NOTICE OF APPEAL was filed August 30, 2007, by Appellant, from a decision of the Valley County Board of Equalization (BOE) denying the protest of the valuation for taxing purposes of property described as Parcel No. RP001430000110A. As a matter of convenience, Appellant requested that this appeal be heard on the written record of evidence and argument presented, without appearance at a hearing. This Board subsequently requested that all information and evidence to be considered be submitted by both parties. The Board now issues its decision based upon the documentary record.

**The issue on appeal the market value of a vacant lot.**

**The decision of the Valley Board of Equalization is affirmed.**

FINDINGS OF FACT

The total assessed land value is \$69,310. Appellant requests the total market value be reduced to \$37,890.

The subject property is a bare lot consisting of 0.787 acres located in the Little Donner Subdivision in Valley County, Idaho.

Appellant claimed the assessed value of \$69,310 was unfair because subject could not be sold at a price that high. The Taxpayer noted subject is not a prime property. Appellant wrote subject was always viewed as a recreational property with no plans to build any sort of permanent structure in the future and that it is unclear whether or not the property could be septic tank approved.

The County submitted a spreadsheet of three sale properties to support the assessed value of subject. The properties ranged in size from 0.481 to 0.93 acres with sale prices between \$42,000 and \$100,000. The sale prices were compared to their assessed values and indicated an assessment level or ratio of 95%.

### CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following conclusions.

Idaho Code provides that “All property within the jurisdiction of this state, not expressly exempted, is subject to appraisal, assessment and property taxation.” I.C. § 63-203 (2007). Idaho Code further directs that “rules promulgated by the State Tax Commission shall require each assessor to find market value for assessment purposes of all property.” I.C. § 63-208(1).

For taxation purposes, Idaho requires that property be valued at “market value”:

“Market value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Appellant maintained the assessment was not accurate.

Respondent offered three 2006 bare land sales to establish subject's assessed value. The most comparable sale to subject was a .652 acre lot sold for \$83,000 in December 2006.

A property valuation for taxation purposes, as determined by an assessor, is presumed correct and the taxpayer has the burden of proof to show, by a preponderance of the evidence, an entitlement to relief. Merris v. Ada County, 100 Idaho 59, 64, 593 P.2d 394, 399 (1979).

Factual determinations are not erroneous when supported by competent and substantial evidence even though conflicting evidence exists. Wulff v. Sun Valley Co., 127 Idaho 71, 73-74, 896 P.2d 979, 981-82 (1995), Idaho Code § 63-511(4) (2007).

A comparison of 2006 sale prices to subject's assessed value demonstrates Respondent's assessment of subject was reasonable.

The court will grant relief where the valuation fixed by the assessor is manifestly excessive, fraudulent or oppressive; or arbitrary, capricious and erroneous resulting in discrimination against the taxpayer. Roeder Holdings, L.L.C. v. Bd. of Equalization of Ada County, 136 Idaho 809, 41 P.3d 237 (2001); Merris.

Appellant challenged Respondent's assessment of subject, but failed to submit evidence to prove otherwise. Respondent's sales support subject's assessed values.

#### FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Valley County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

**MAILED APRIL 3, 2008**